REMARKS

In response to the Office Action dated November 17, 2005, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-9, 11-28, 30-50, and 52-63 were rejected under 35 U.S.C. § 103(a) as being anticipated by Xue in view of Sansone and Buckley. This rejection is traversed for at least the following reasons.

Independent claim 1 recites, *inter alia*, "determining whether accessing of said message constitutes a triggering event; and creating said status notification when said accessing of said message constitutes said triggering event." The method in claim 1 creates the status notification when the access of the message is the triggering event. As noted by the Examiner, Xue fails to teach or suggest these features. The Examiner relies on Buckley for allegedly disclosing "determining whether accessing of said message constitutes a triggering event; and creating said status notification when said accessing of said message constitutes said triggering event." Applicants submit that Buckley fails to teach these features.

The Examiner cites to column 18, lines 25-42 as teaching these claimed elements. This section of Buckley, however, relates to delivery of a message, not access of the message. Buckley teaches that the delivery status notification includes whether a message has been delivered and whether a message has not been delivered. There is no discussion of determining whether a message has been accessed or sending a notification when access of the message is a triggering event. Buckley is directed to delivering e-mail messages across multiple networks and obtaining confirmation of delivery (column 2, lines 6-11). Thus, even if Xue, Sansone and Buckley are combined, the features of claim 1 do not result. Namely, none of these references teaches "determining whether accessing of said message constitutes a triggering event; and creating said status notification when said accessing of said message constitutes said triggering event."

Further, Sansone is non-analogous art and not properly relied upon in an obviousness rejection. As noted in MPEP § 2141.01(a), in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the

00348
BLL-0037

2

inventor was concerned. The Applicants' field of endeavor is providing electronic message status notification. The messages delivered in embodiments of Applicants' invention are electronic messages. By contrast, Sansone is related to delivering a physical piece of mail and relays information from a postage meter to a data center to track delivery of a physical mail item. As Sansone relates to delivery of physical mail, it is submitted that Sansone is not in the Applicants' field of endeavor, that is delivery of electronic messages.

Further, Sansone is not reasonably pertinent to the problem with which the Applicants were concerned. The problem faced by the Applicants is to provide a status notification of the delivery of electronic messages. The delivery of electronic messages and the delivery of physical items require significantly different processes and challenges, and are simply not reasonably pertinent to each other. Thus, Sansone is not properly relied upon in an obviousness rejection of claim 1.

For at least the above reasons, claim 1 is patentable over Xue in view of Sansone and Buckley. Claims 2-9 and 11-19 variously depend from claim 1 and are patentable over Xue in view of Sansone and Buckley for at least the reasons advanced with reference to independent claim 1.

Furthermore, with respect to claim 3, the Office Action cites to Xue as allegedly teaching "compiling said disposition identifier and said message identifier to create said status notification when said accessing of said message constitutes said triggering event; and wherein said method further comprises communicating said status notification in accordance with said destination identifier." Xue fails to teach determining when a message is accessed, but rather is directed to determining when a message is delivered. In fact, page 4 of the Office Action states that Xue and Sansone are silent regarding a status notification upon accessing a message. Thus, the features of claim 3 are not taught by Xue in view of Sansone and Buckley.

Independent claims 20 and 42 recite features similar to those discussed above with reference to independent claim 1 and are patentable over Xue in view of Sansone and Buckley for at least the reasons advanced with reference to independent claim 1. Claims 21-28 and 31-41 variously depend from independent claim 20 and are patentable over Xue in view of Sansone and Buckley for at least the reasons advanced with reference to independent claim 20. Claims 43-50 and 52-63 variously depend from independent claim 42 and are
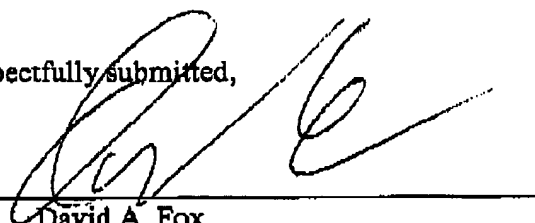
00348
BLL-0037

3

patentable over Xue in view of Sansone and Buckley for at least the reasons advanced with reference to independent claim 42.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: _____
David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: January 13, 2006

4